

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 14482 of 2005

Between:

- 1 Burra Venkanna, S/o.Late Burra Mallaiah,
R/o.Maddulapally Village, Kamepalli Mandal, Khamma district.
- 2 Burra Sarvaiah, S/o.Late Burra Mallaiah,
R/o.Maddulapally Village, Kamepalli Mandal, Khamma district.
- 3 Burra Veeranna, S/o.Late Burra Mallaiah,
R/o.Maddulapally Village, Kamepalli Mandal, Khamma district.
- 4 Burra Sreenu, S/o.Late Burra Mallaiah,
R/o.Maddulapally Village, Kamepalli Mandal, Khamma district.

..... PETITIONERS

AND

- 1 The Government of A.P, Rep by its Secretary, Tribal Welfare

Department, Secretariat, Hyderabad.

- 2 The Addl.Agent to Government and Project Officer, ITDA,

Bhadrachalam, Khammam District.

- 3 Spl.Dy.Collector, Tribal Welfare , Paloncha, Khammam District.
- 4 Mandal Revenue Officer, Komopally Mandal, Khammam District.
- 5 Duggi Satyanarayana, S/o.Late Ramulu,
R/o.Maddulapally Village, Kamopalli Mandal, Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Mandamus, declaring the Order dt.2-4-2005 in C.M.A.No.84 of 2003 on the file of the 2nd respondent herein and also inaction of the 1st respondent in not granting stay of the said order of the 2nd respondent pending Revision before the 1st respondent

which was filed on 22-6-2005 as illegal, arbitrary, unreasonable, contrary to the provisions of A.P Scheduled Area Land Transfer Regulation and violative of Articles 14, 16 and 21 of the Constitution of India and issue a consequential direction to the 1st Respondent/herein to set aside the order dt.2-4-2005 in C.M.A.No.84 of 2003 on the file of the 2nd respondent and also further direct the 1st respondent herein to stay the operation of the said order of the 2nd Respondent.

Counsel for the Petitioners: MR.M.RAJAMALLA REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following:

ORDER:

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This writ petition is filed by the petitioners aggrieved by the action of the first respondent in not passing any orders on the stay petition filed by them pending disposal of the revision petition filed against the order of the second respondent.

2. It is stated that originally, the third respondent initiated proceedings against the petitioners under the A.P. Scheduled Area Land Transfer Regulations. After conducting necessary enquiry, the third respondent passed orders on 25-09-1976 dropping the eviction proceedings.

3. However, it is stated that an appeal is stated to have been filed by the fifth respondent in the year 2003 after more than 26 years, and the said appeal was entertained by the second respondent and finally allowed ordering eviction of the petitioners. Aggrieved by that, the petitioners filed revision petition before the first respondent and also sought for an order of stay pending disposal of the revision petition. But, as no orders have been passed, the petitioners have come up with the present writ petition.

4. Head the learned counsel for the petitioner and the learned Government Pleader.

5. In view of the revision petition filed by the petitioners is pending before the first respondent and as no orders of stay has been passed by the first respondent, the respondents are directed not to dispossess the petitioners from the schedule land pending disposal of the revision petition before the first respondent. Further, the first respondent is directed to dispose of the revision petition expeditiously, preferably, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No order as to costs.

S.ANANDA REDDY, J

06th July, 2005

SKM
To

1 The Secretary, Government of A.P, Tribal Welfare

Department, Secretariat, Hyderabad.

2 The Addl.Agent to Government and Project Officer, ITDA,

Bhadrachalam, Khammam District.

3 The Spl.Dy.Collector, Tribal Welfare, Paloncha, Khammam District.

4 The Mandal Revenue Officer, Komopally Mandal, Khammam District.

5 Two C.Cs. to G.P. for Social Welfare, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

6 Two CD copies

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